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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,960	09/21/2001	Yong Jin Kim	1546.1005	2404

21171 7590 07/29/2004

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EXAMINER

KASSA, YOSEF

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/956,960

Applicant(s)

KIM ET AL.

Examiner

YOSEF KASSA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 4,5,7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Berfmann et al (U.S. Patent 6,006,412).

With regard to claim 1, Berfmann et al disclose foot data generating means (see Fig. 1, item 23-31) for generating pixel data for foot shape (see col. 2, lines 57-65) and transmitting them to the exterior (see col. 3, lines 23-31), pixel data being obtained by emitting light to a foot placed on a substrate (see col. 2, lines 65-67) and analyzing information of the reflected light (see col. 3, lines 4-7); and image treatment means for generating foot image through analyzing pixel data transmitted from foot data generating means with line-scan algorithm and/or stereo vision algorithm (see col. 3, lines 7-12).

With regard to claim 2, Berfmann et al disclose an image generating part for generating said pixel data for foot shape through emitting light to said foot and analyzing

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said information of the reflected light (see col. 3, lines 4-9); a foot data memory part for storing said generated pixel data (see col. 5, lines 1-9); driving means for moving said image generating part (see col. 2, lines 54-59); and a control part for controlling image generating part, foot data memory part and driving part (see col. 4, lines 51-65).

With regard to claim 3, Berfmann et al disclose image generating part comprises a light generating part below substrate, for emitting light to the bottom of said measured foot; and an image sensor or sensors for detecting the light reflected from the bottom of foot and generating said pixel data, and said driving means is for moving said image generating part horizontally below said substrate (see col. 2, lines 65-col. 3, lines 9).

With regard to claim 6, Berfmann et al disclose image generating part further comprises a lens or lenses in the front of said image sensor(s), for collecting said reflected light (see Fig. 1, item 24).

Claim 9 is similarly analyzed as claim 1. As to the additional limitation of calculating at least one distance and coordinates for each part of foot from said three-dimensional image coordinates (see col. 6, lines 6-26).

With regard to claim 10, Berfmann et al disclose emitting and detecting step is performed by establishing line light source below a substrate on which measured foot is located and moving light source from a start point of foot to a end point of foot (see col. 3, lines 1-3).

With regard to claim 11, Berfmann et al disclose emitting and detecting step is performed by establishing line light source at a place distant to a degree of

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predetermined distance from measured foot and rotating light source around measured foot (see col. 6, lines 6-26).

Allowable Subject Matter

2. Claims 4, 5, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art Cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,477,371) to Shafir discloses three-dimensional non-contact scanning...

US Patent No. (5,339,252) White et al discloses integrated system for foot measurement...

US Patent No. (5,206,804) to Thies et al discloses footwear visual image cataloging and sizing.

US Patent No. (5,661,864) to Valiant et al discloses last for an article of footwear and footwear made therefrom.

US Patent No. (4,745,290) to Frankel et al discloses method and apparatus for use in making custom shoes.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

PATENT EXAMINER

Yosef Kassa

07/20/04.



**BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**